

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LARRY DAVID PEMBERTON,)	
)	
Petitioner,)	
)	
v.)	1:06cv837
)	
ROBERT HARDEN, Supt.,)	
Anson Correctional Ctr.,)	
)	
Respondent.)	
)	

ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION

On August 7, 2007, Magistrate Judge Russell A. Eliason filed his Recommendation [Doc. # 12] that Respondent's Motion for Summary Judgment [Doc. # 5] be granted, that Petitioner's Petition for Writ of Habeas Corpus [Doc. # 2] be denied, and that Judgment be entered dismissing this action. Rule 72 of the Federal Rules of Civil Procedure provides that "[w]ithin 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b). Also on August 7, 2007, the parties were mailed notification of the Recommendation filing and informed that objections to the Recommendation were due on August 24, 2007. Neither party filed an objection to the Recommendation.

The Court has reviewed the Recommendation of the Magistrate Judge and, finding no error, adopts that Recommendation. Thus, for the reasons set out in the Recommendation, the Respondent's Motion for Summary Judgment [Doc. # 5] is GRANTED and the Petitioner's Petition for Writ of Habeas Corpus [Doc. # 2] is DENIED.

This the 22nd day of September, 2007.

/s/ N. Carlton Tilley, Jr.
United States District Judge